

---

# 2017 SUMMARY OF LEGISLATION

---



# GOVERNMENT

---



# GOVERNMENT MEASURES

## Access to Information

Enacted: SB 106, SB 481, HB 2101,  
HB 2874, HB 2946, HB 3060,  
HB 3464

Not Enacted: SB 829, HB 2577-A

---

## Miscellaneous

Enacted: SB 802, HB 2162, HB 2332,  
HB 2901

Not Enacted: HB 2168, HB 2590

---

## Regulatory Structures or Activities

Enacted: SB 227, SB 1022, HB 3203  
HB 3377, HB 3434

Not Enacted: SB 649, SB 746, SB 872-A,  
HB 2164, HB 2183, HB 2907

---

## Resolutions, Memorials

Enacted: SCR 14, SCR 18, HCR 13,  
HCR 19

Not Enacted: SCR 1, SCR 4, SJR 42, SJR 44  
HCR 16, HCR 24-A, HJR 10

---

## Revenue or Economic Development

Enacted: SB 254, HB 2833, HB 2899,  
HB 2900, HB 2902, HB 3139,  
HB 3350

Not Enacted: SB 89-A, HB 3374-A

---

## Technology

Enacted: SB 90, HB 3213, HB 3268,  
HB 3361

Not Enacted:

:

# GOVERNMENT

## TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

HB 2101	Report on any changes in existing law, policy, and practice to enhance transparency and facilitate rapid fulfillment of public records requests	Subcommittee of the Legislative Counsel Committee on or by July 1 of each even numbered year

## Efficient Collection of Debts to the State

**At the Request of:** Governor Brown for Oregon Department of Administrative Services

**Committees:** Senate General Government and Accountability, Joint Ways and Means

**Background and Current Law:** Oregon law currently allows state agencies to offer certain delinquent accounts for assignment to either the Oregon Department of Revenue (DOR) or to private collection agencies. If the state agency chooses a private collection agency, the private agency has “a reasonable time” to collect before the account is relinquished back to the state agency. If the state agency chooses DOR, DOR has six months to collect, and then the account is offered to a private collection agency.

**Bill Summary:** Senate Bill 89-A would have eliminated state agencies’ choice to offer certain delinquent debts to either DOR or to private collection companies, and centralized assignment with DOR. DOR would have been required to offer the accounts to private collection agencies if they were inactive for six months. The measure also would have clarified how state agencies could request disclosure of social security numbers from debtors and prohibited using social security numbers for debt collection purposes without proper notice unless otherwise permitted by law.

## Consolidating and Strengthening Government Cybersecurity

**At the Request of:** Governor Brown for Oregon Department of Administrative Services

**Committees:** Senate General Government and Accountability, Joint Legislative Information Management and Technology, Joint Committee on Ways and Means

**Background and Current Law:** Executive Order (EO) 16-13 was implemented in response to recent information technology (IT) security audit findings, breaches, and other vulnerabilities among state executive branch entities, and directs the consolidation of IT security functions with the State Chief Information Officer (SCIO) according to timelines established by the SCIO. The state's IT security functions are currently the responsibility of each independent agency, an approach that is criticized for creating an environment where one agency can be put at risk because of deficiencies at another. Oregon also lacks a mechanism to exchange cybersecurity information across political subdivisions, and with the private sector and other partners in an organized and useful way.

**Bill Summary:** As introduced, the measure sought to create an Oregon Cybersecurity Center of Excellence within the office of the SCIO to: centralize cybersecurity information sharing between public and private sectors; serve as an "Information Sharing and Analysis Organization" for purposes of federal critical infrastructure protection programs; act as a liaison with the Department of Homeland Security and other entities concerning cybersecurity; and promote development of the cybersecurity workforce. As enacted, Senate Bill 90 requires state agencies and the SCIO to cooperatively develop and implement a plan to consolidate information technology security functions with the SCIO, including the transfer of personnel, records, and property. The measure also establishes the Oregon Cybersecurity Advisory Council to advise the SCIO on cybersecurity issues and to provide a forum for discussion. It further directs the SCIO to develop and submit a plan for the establishment of a Cyber Security Center of Excellence to the legislature by January 1, 2019.

**Oregon Laws 2017:** Chapter 513

## Public Records Advocate

**At the Request of:** Governor Brown

**Committees:** Senate General Government and Accountability, Joint Ways and Means

**Background and Current Law:** In Oregon, as elsewhere, government records are available to the public unless they are exempt from disclosure. Each public body in Oregon maintains its own records and handles requests for access. They are required to have a process, available in writing, for those seeking access to request a copy of the records or an opportunity to inspect them. Public bodies are also required to respond in a reasonable amount of time and may recover costs associated with satisfying the request. If a public body asserts that an exemption applies, denying a request for records, the assertion may be appealed through the Oregon Department of Justice or a county district attorney at no cost (depending on the public body), and if that appeal is denied, it may be challenged in court. Denials of requests for public records by elected officials must be challenged in court directly, without an intermediate appeal. Although the majority of public records requests are satisfied without controversy, a certain number involve complexities that are not always capable of simple or rapid resolution.

**Bill Summary:** Senate Bill 106 establishes the office of Public Records Advocate located within the Secretary of State's Archives Division or within the Department of Administrative Services, to facilitate conflicts between those who request and those who hold public records, within 21 days of a written request from either party. The Advocate is authorized to make determinations about either party's good faith participation in facilitated dispute resolution, and the measure provides for remedies and an appeal process. The measure also creates a Public Records Advisory Council to make recommendations at least every even-numbered year concerning the Advocate's role, and the practices, procedures, exemptions, and fees related to public records.

**Oregon Laws 2017:** Chapter 728

## Searchable Online Database of Administrative Rules

**At the Request of:** Secretary of State Atkins

**Committees:** Senate General Government and Accountability, House Rules

**Background and Current Law:** The Secretary of State's Archives Division is nearing completion of a fully searchable online database of Oregon Administrative Rules (OAR), expected to be completed by June 30, 2017. The electronic database was developed to permit the rulemaking process, from original action through publication and updating, to be automated and maintained in one place. However, statutes that govern rulemaking still contemplate a manual process, requiring, for example, manual filing of rules and an annually printed compilation of OARs.

**Bill Summary:** Senate Bill 227 updates statutes governing rulemaking to be consistent with the use of digital technology and current practice. The measure: authorizes rulemaking by the Secretary of State (SOS) as to the form of filings; requires electronic transmission between the SOS and the Legislative Counsel (LC) within ten days of filing rule adoptions, changes, and repeals; requires the SOS to notify agencies when a rule has been transmitted to the LC; and requires agencies to report their five-year rule reviews to the SOS.

**Oregon Laws 2017:** Chapter 518

---

## Efficient and Increased Collection of Debts to the State

**Chief Sponsors:** Sens. Taylor, Johnson; Rep. Nathanson

**Committees:** Senate General Government and Accountability, Joint Ways and Means

**Background and Current Law:** Liquidated and delinquent debt owed to the state of Oregon totals about \$3.3 billion; the Oregon Department of Revenue (DOR) alone is owed over \$600 million. Oregon does not currently permit DOR to use financial institution data matching (FIDM) programs for debt collection purposes. If the location of a debtor's funds are not known, DOR must guess which institution the debtor might use, and issue a garnishment. The financial institution then conducts a search upon receipt of the garnishment, to determine whether the debtor has an account. DOR pays the fee to conduct the search and the cost is added to the delinquent balance owed the state. In Oregon, only the Oregon Department of Justice (DOJ) uses FIDM programs, in addition to receiving federally mandated reports from employers on all newly hired and rehired personnel (for child support enforcement purposes). To improve the efficiency of garnishments, potentially increase collections and relieve financial institutions from conducting unnecessary searches, the State Debt Collection Audit issued by the Secretary of State in 2015 recommended allowing DOR to use FIDM programs and to access new hire information available to DOJ.

**Bill Summary:** Senate Bill 254 requires financial institutions to use DOR's data match system to identify delinquent debtors' accounts on a regular, scheduled basis (once per quarter), with exceptions for institutions where it would not be cost-effective, or those experiencing financial hardship. DOR is directed to reimburse financial institutions up to \$2,500 for start-up costs and up to \$150 per quarter. The measure provides immunity from liability for financial institutions complying in good faith, and protects against misuse of information by providing for a penalty of up to \$2,500 for unauthorized disclosures to delinquent debtors, and up to \$1,000 for other unauthorized disclosures. The measure also creates a Class C felony for unauthorized use or disclosure of information by a state officer or employee, which would also subject employees to dismissal and prohibit them from public office for five years. Finally, Senate Bill 254 authorizes DOJ's Division of Child Support to share information with DOR about new and rehired employees, but prioritizes collection of delinquent child support obligations enforced by DOJ, before DOR may act to collect other debt. These provisions become operative July 1, 2018.

**Oregon Laws 2017:** Chapter 644

## Improvement of Public Records Response

**At the Request of:** Attorney General Rosenblum

**Committees:** Senate General Government and Accountability, House Rules

**Background and Current Law:** In Oregon, as elsewhere, government records are available to the public unless they are exempt from disclosure. Each public body in Oregon maintains its own records and handles requests for access. They are required to have a process, available in writing, for those seeking access to request a copy of the records or an opportunity to inspect them. Public bodies are also required to respond in a reasonable amount of time and may recover costs associated with satisfying the request. If a public body asserts that an exemption applies, denying a request for records, the assertion may be appealed through the Oregon Department of Justice or a county district attorney at no cost (depending on the public body), and if that appeal is denied, it may be challenged in court. Denials of requests for public records by elected officials must be challenged in court directly, without an intermediate appeal. Although the majority of public records requests are satisfied without controversy, a certain number involve complexities that are not always capable of simple or rapid resolution.

**Bill Summary:** Senate Bill 481 modifies the existing requirement that public bodies respond to requests for public records within a reasonable time frame by adding deadlines. The bill requires public bodies to acknowledge requests within five business days, and complete them as soon as practicable, but no later than 10 business days after the acknowledgement. The five- and ten-day deadlines may be exceeded for specified reasons, but the public body must inform the requester and provide a reasonable, estimated completion date. The bill encourages communications between the public body and the requester to clarify requests and to keep the requester informed, and it requires detailed explanations if a request is denied or the public body is unable to satisfy it for other reasons. Senate Bill 481 also permits requesters to seek review for noncompliance and to challenge the reasonableness of estimated completion dates, in addition to denials. It further provides for the establishment of a publicly available, comprehensive list of statutory exemptions in a searchable format, and protects public bodies from liability for any damage caused by disclosures made in good faith.

**Oregon Laws 2017:** Chapter 456

## New State Board of Education

**Chief Sponsors:** Sen. Kruse

**Committees:** Senate Education, Senate Rules

**Background and Current Law:** The legislature created the State Board of Education in 1951. The Board has seven members, appointed by the Governor and confirmed by the Senate. Five members represent Oregon’s congressional districts, and two members represent the entire state. Members serve four-year terms, and are limited to two consecutive terms. The Board meets at least six times per year, open to the public, and is responsible for adopting administrative rules that govern operation of Oregon’s 197 public school districts and 20 educational service districts. Senate Joint Resolution 37, introduced in 2017, amends the state constitution to create a new State Board of Education with alternate responsibilities, including the appointment of the Superintendent of Public Instruction, who oversees education and establishes education policy for the state.

**Bill Summary:** Senate Bill 649 would have taken effect if Senate Joint Resolution 37 was enacted and then approved by voters at the next regular general election. The bill would have required the new board to have 11 members, appointed by the Governor and confirmed by the Oregon Senate, and established membership requirements, term limits, and a process for the removal of members. The bill also made the new board responsible for appointing the Superintendent of Public Instruction, among other duties.

[Senate Bill 746](#)

Not Enacted

**Election of Statewide Superintendent of Public Instruction****Chief Sponsors:** Sen. Roblan; Rep. Doherty**Committees:** Senate Education, Senate Rules

**Background and Current Law:** From 1873 until 2012, Oregon's Superintendent of Public Instruction was a nonpartisan, statewide elected office. In 2011, as part of a reorganization of Oregon's education system, the legislature passed a package of bills transferring the superintendent's duties to the Governor, assisted by a Deputy Superintendent and a seven-member State Board of Education. The Governor assumed these duties in 2012 and has been the state's Superintendent since, with a Deputy Superintendent appointed to manage the Oregon Department of Education.

**Bill Summary:** Senate Bill 746 would have established the Superintendent of Public Instruction as a statewide, nonpartisan, elected office, with a four-year term, to manage the Oregon Department of Education. It would have required the Superintendent to have at least five years of experience as a teacher or administrator in a public elementary or secondary school, and directed an election to be held at least two years after the Governor notifies the legislature of the current Deputy Superintendent's departure or in the 2026 general election, whichever was earlier. The measure also would have replaced the current seven-member State Board of Education with an 11-member board on January 7, 2019, consisting of six nonpartisan elected members and five members appointed by the Governor and confirmed by the Oregon Senate. At least three of the elected board members were required to have at least five years of experience as teachers or administrators in public elementary or secondary schools, and the Governor was directed to nominate members from each congressional district and to consider appointees from a 15-person list submitted by labor organizations representing school employees. The measure also would have authorized the Superintendent to seek and lobby for legislation without the Governor's approval.

[Senate Bill 802](#)

Effective Date: January 1, 2018

**Voter Registration Expansion****Chief Sponsors:** Sens. Taylor, Steiner Hayward, Manning, Jr.; Rep. Lininger**Committees:** Senate Rules, House Rules

**Background and Current Law:** To register to vote in Oregon, a person must be a resident, at least age 17, and a United States citizen. However, though registered, they will not receive a ballot until an election occurs on, or after, their 18th birthday, when they become eligible to vote. Allowing people to register in advance of their 18th birthday makes it possible for them to vote in the first election they are legally eligible to participate in, even if their birthday occurs after the voter registration deadline.

**Bill Summary:** Senate Bill 802 permits a person age 16 years or older to register to vote.

**Oregon Laws 2017:** Chapter 468

[Senate Bill 829](#)

Not Enacted

**Closed-Captioning Public Meetings**

**Chief Sponsors:** Sens. Gelser, Knopp, Manning Jr.; Rep. Noble

**Committees:** Senate General Government and Accountability, Joint Ways and Means

**Background and Current Law:** Oregon does not provide centralized assistive services for deaf, deaf-blind and hard of hearing persons to access the policymaking process.

**Bill Summary:** Senate Bill 829 would have required closed-captioning of all legislative and executive branch video transmissions starting January 1, 2018.

[Senate Bill 872-A](#)

Not Enacted

**Establishes the Oregon Department of Information Technology**

**At the Request of:** Joint Information Management and Technology

**Committees:** Senate General Government and Accountability, Joint Legislative Information Management and Technology, Joint Ways and Means

**Background and Current Law:** There is a long-standing trend among state and local governments across the country to consolidate information technology and telecommunications functions. The trend toward consolidation is motivated by multiple factors including: the pace of technological evolution; security and interoperability concerns; pressure to control spending; and a desire to improve public services and the public's interaction or experience with government bodies. In addition, state and local governments are working to improve efficiencies by sharing data, infrastructure, technology resources, and data management across agencies and political subdivisions to improve emergency communications, disaster resilience, and continuity of government.

**Bill Summary:** Senate Bill 872-A would have transferred all information technology and telecommunications powers and responsibilities from the Department of Administrative Services to a new stand-alone agency: the Oregon Department of Information Technology.

## Elimination of Inactive Boards and Commissions

**At the Request of:** Senate General Government and Accountability

**Committees:** Senate General Government and Accountability, House Rules

**Background and Current Law:** During the 2016 interim, staff in the Legislative Policy and Research Office were directed to identify inactive or obsolete boards and commissions for potential repeal from statute. Data was developed identifying 252 government boards and commissions (excluding commodity commissions) based primarily on the 2015-2017 Legislative Fiscal Office Detailed Budget Analysis, the Governor's 2015 Board Book, and the 2012 Secretary of State Boards and Commissions Audit. Of the 252 boards and commissions, 46 showed no evidence of activity within the previous year. The number was reduced to 29 after eliminating entities that were: created by executive order or federal law; required to receive federal dollars; licensed professions; or possibly convened intermittently by design. After conducting outreach, 25 were identified for potential elimination. The Office of the Legislative Counsel further reduced the number to 19, respecting the formalities of interstate compact language, and over the course of public hearings on the measure, the final number was reduced to 11.

**Bill Summary:** Senate Bill 1022 sunsets the following 11 government boards and commissions: the Baseball Advisory Committee; the Board of Directors of the Oregon School for the Deaf; the Committee on Performance Excellence; the Governor's Council on Oregon's Economy; the Military Council; the Natural Resources Policy Administrator; the Oregon Progress Board; the Outdoor Youth Program Advisory Board; the Public Officials Compensation Commission; the Task Force on Military Families; and the Western States Legislative Forestry Task Force.

**Oregon Laws 2017:** Chapter 532

---

[Senate Concurrent Resolution 1](#)

Not Adopted

**Designation of Kiger Mustang as Official State Horse**

**Chief Sponsors:** Sens. Devlin, Hansell

**Committees:** Senate Rules

**Background and Current Law:** Kiger Mustangs are a distinct breed of wild Mustang located in the Steens Mountain area of southeastern Oregon that are associated with settlement of the western United States. Kiger Mustangs are generally medium sized and dun-colored, with distinctive facial features and many of the physical characteristics of Spanish Mustangs – small, round bones, small feet and very little feather on their legs and fetlocks. In the 1970s, the Bureau of Land Management (BLM) was charged with managing the Kiger population. Kiger Mustangs are currently protected within the Kiger and Riddle Mountain Herd Management Areas. In order to preserve the breed while maintaining genetic diversity, the BLM introduces high quality Spanish type wild horses and monitors the herd’s genetic markers. The Kiger population remains robust, intelligent, and athletic, and Kiger Mustangs with highly prized primitive markings endure as a classic symbol of the West.

**Bill Summary:** Senate Concurrent Resolution 1 would have designated the Kiger Mustang as the official state horse of Oregon.

[Senate Concurrent Resolution 4](#)

Not Adopted

**Designation of Border Collie as Official State Dog**

**Chief Sponsor:** Sen. Hansell

**Committees:** Senate Rules

**Background and Current Law:** Border Collies are a breed of working and herding dogs that originated on the border of England and Scotland. They were brought to Oregon from Europe during westward expansion. Historically, Border Collie breeding selection was based on their willingness and ability to follow directions, their instinctive understanding of how livestock behave, and their stamina on rugged terrain. As a result, Border Collies became known for their tireless work ethic and extraordinary ability to control livestock.

**Bill Summary:** Senate Concurrent Resolution 4 would have designated the Border Collie as Oregon’s official state dog.

## Recognition of Japanese American Internment Survivors

**Chief Sponsors:** Sens. Dembrow, Monnes Anderson, Thomsen; Rep. Clem

**Committees:** Senate Rules, House Rules, Conference Committee on SCR 14

**Background and Current Law:** More than 4,000 Oregonians of Japanese ancestry endured racial segregation and removal to internment camps during World War II, pursuant to Executive Orders 9066 and 9102, signed by President Roosevelt on February 19 and March 18, 1942, respectively. Order 9066 was suspended by President Roosevelt in 1944. World War II ended in 1945, and the last internment camp, Tule Lake, about forty miles southeast of Klamath Falls, Oregon, near the town of Tulelake, California, closed March 20, 1946. Order 9102 was terminated by President Truman on June 26, 1946. The original order authorizing internment, Executive Order 9066, was not formally rescinded until 1976 by President Ford, exactly 30 years after it was issued. In 1980, President Carter requested an official study of Order 9066 and its impact on Japanese Americans and native Alaskans: the Commission on Wartime Relocation and Internment of Civilians issued its final report in 1982, concluding that incarceration was a “grave injustice.” In 1988, President Reagan signed the Civil Liberties Act into law, extending a formal apology and offering some financial compensation to surviving internees.

**Bill Summary:** Many Japanese Americans observe February 19th – the anniversary of the signing of Executive Order 9066 – as a Day of Remembrance every year, to honor internees and their families and educate the public. Today, a copy of the Civil Liberties Act is on display at the National Archives alongside Executive Order 9066. Senate Concurrent Resolution 14 recognizes the historical significance of February 19, 1942, acknowledges the 75th anniversary of Japanese American internment during World War II, and honors civilian internees and Japanese American World War II veterans.

### [Senate Concurrent Resolution 18](#)

Filed on July 18, 2017

#### Designation of Official State Birds

**Chief Sponsors:** Sens. Girod, Steiner Hayward

**Committees:** Senate Rules, House Rules

**Background and Current Law:** The western meadowlark was first chosen as Oregon's state bird in 1927 by school children across the state in a poll sponsored by the Oregon Audubon Society. The western meadowlark is a colorful member of the blackbird family with a vibrant yellow breast crossed by a distinctive black, V-shaped band, although they are more likely to be heard than seen: they are renowned for their distinctive flute like song. Oregon shares recognition of the western meadowlark with Kansas, Montana, Nebraska, North Dakota, and Wyoming. With the passage of Senate Concurrent Resolution 18, Oregon's designation of the western meadowlark will be distinct in naming it the official state songbird.

The osprey is a day-hunting, fish eating bird of prey whose range extends across the United States and beyond. According to the United States Geological Survey (USGS), ospreys were first documented in Oregon in 1855. Historically, their populations were reported as robust, nesting in forested areas near water, but during the 1970s, the population declined due to use of a certain pesticide. Ospreys have since rallied and can now be found nesting along the lower Columbia and Willamette rivers. The USGS determined that the number of pairs nesting along the Willamette River, between Eugene and Portland, increased from 13 to 78 between 1976 and 1993, and increased to 234 pairs by 2001.

**Bill Summary:** Senate Concurrent Resolution 18 designates the western meadowlark as Oregon's official state songbird, and the osprey as Oregon's official state raptor.

### [Senate Joint Resolution 42](#)

Not Adopted

#### Restriction of Legislative Measures Introduced

**Chief Sponsors:** Sen. Thatcher; Rep. Nearman

**Committees:** Senate Rules

**Background and Current Law:** Prior to introduction, legislative measures in Oregon are typically referred to as legislative concepts or drafts. Individual legislators and committees are permitted to have legislative concepts drafted, along with the Executive and Judicial departments, the Secretary of State, the State Treasurer, the Attorney General, and the Commissioner of Labor. Any of these requesters, and also multiple legislators, may also be listed as the sponsor of a concept. Sponsors may also have legislative concepts drafted "at the request of" a particular agency, group, or individual. Draft requests must include the name of any public agency, private organization, or individual other than a legislator who has made the request. Approximately 3,000 measures are introduced in the Oregon legislature each session.

**Bill Summary:** Senate Joint Resolution 42 would have proposed an amendment to the Oregon Constitution for referral to voters for their approval or rejection at the next general election that would have precluded legislative committees from introducing legislative concepts and required introduction by a Senator or Representative.

## Removal of Outdated References from Oregon’s Constitution

**Chief Sponsors:** Sen. Boquist

**Committees:** Senate Rules

**Background and Current Law:** The Oregon Constitution prohibits a person who has agreed to, challenged another to, or participated in a duel from holding office. At least seven other states have similar statutory or constitutional prohibitions. The most notorious American duel occurred in 1804 between two political rivals, former Secretary of the Treasury Alexander Hamilton and seated Vice President of the United States Aaron Burr. The duel resulted in Alexander Hamilton’s death. According to *A History of Oregon, 1792-1849* by William Henry Gray, references to dueling in Oregon go back to the state’s provisional government in 1845, when a bill to prohibit dueling was drafted by committee and reportedly signed by the Governor within half an hour.

**Bill Summary:** Senate Joint Resolution 44 would have proposed an amendment to the Oregon Constitution for referral to voters for their approval or rejection at the next regular general election that, if approved, would have removed references to dueling.

## Review of Public Records Exemptions

**Chief Sponsors:** Rep. Huffman

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** In Oregon, as elsewhere, government records are available to the public unless they are exempt from disclosure. Each public body in Oregon maintains its own records and handles requests for access. They are required to have a process, available in writing, to request a copy of the records or an opportunity to inspect them. Public bodies are also required to respond in a reasonable amount of time and may recover costs associated with satisfying the request. If a public body asserts that an exemption applies, denying a request for records, the assertion may be appealed through the Oregon Department of Justice or a county district attorney at no cost (depending on the public body), and if that appeal is denied, it may be challenged in court.

There are two categories of public records that are exempt from disclosure. The first may be released upon a showing that the public interest requires disclosure (ORS 192.501), such as information about active litigation, trade secrets, investigative reports in criminal proceedings, and electors' residential addresses. The second are those that require a particularized showing in order to warrant being made public (ORS 192.502), such as advisory communications where the public interest outweighs the interest in frank discussions, medical or other similar personal information where the public interest is clear and convincing and does not constitute an unreasonable invasion of privacy, and the private addresses, phone numbers, and dates of birth of public employees and volunteers, where the public interest is shown by clear and convincing evidence.

The majority of public records requests are satisfied without controversy, but some involve complexities that are not always capable of simple or rapid resolution. Conflicts can arise between those seeking information, those in possession of information, and those who are the subject of the information.

**Bill Summary:** House Bill 2101 establishes a process for the regular legislative review of longstanding and proposed exemptions to requests for public records. The measure creates a four member public records subcommittee of the Legislative Counsel Committee and a 15 member Oregon Sunshine Committee (OSC) to work in coordination on a review of public records exemptions by December 31, 2026. The OSC will submit a biennial report to the subcommittee recommending retention, amendment, or repeal of recently reviewed public records exemptions. The subcommittee may then accept, modify, or reject recommendations contained in the OSC report, prior to submitting the report to the Legislative Counsel Committee. In addition, House Bill 2101 creates an open government impact statement to be prepared by the Office of the Legislative Counsel, for each measure reported out of a legislative committee that impacts the disclosure of public records. The statement must describe how the measure changes existing standards regarding disclosure, and its impact on the public interest.

**Oregon Laws 2017:** Chapter 654

[House Bill 2162](#)

Effective Date: October 6, 2017

**Apprenticeship Utilization in State Contracts**

**At the request of:** House Interim Committee on Business and Labor

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Apprenticeships are occupational career training that combines on-the-job training experience with classroom instruction. Apprentices usually begin at half the salary of certified “journey” workers. Apprenticeship committees, made up of employee and employer representatives, operate apprenticeship programs. Apprenticeships are typically two to five years long, depending on industry requirements, and are highly competitive, with waiting periods of up to two years. The Apprenticeship and Training Division of the Bureau of Labor and Industries registers apprentices, works with industry to establish apprenticeship programs, and monitors apprenticeship committee compliance.

**Bill Summary:** House Bill 2162 requires a contractor who is awarded a state public improvement contract worth at least \$5 million, and a subcontractor with a subcontract worth over \$1 million or 25 percent of the contract price, to employ apprentices to perform 10 percent of the work hours that workers in apprenticeable occupations perform on that contract. In 2022, the percentage increases to 12 percent and the contract size threshold drops to \$3 million. Contracts with the Oregon Department of Transportation are exempt, as are emergency procurements. The measure establishes a six-member advisory committee to monitor implementation and compliance and to advise the Legislative Assembly on subsequent changes to improve implementation.

[House Bill 2164](#)

Not Enacted

**E-Permitting System for Building Codes Division**

**At the request of:** House Interim Committee on Business and Labor

**Committees:** House Business and Labor

**Background and Current Law:** In 2003, the Department of Consumer and Business Services (DCBS) worked with local governments and contractors to implement a pilot project for an electronic building permit system referred to as “e-permitting.” The system allows contractors to apply for, pay for, and receive building permit approvals online and around the clock. Legislation, passed in 2005 and 2007, transitioned the program from pilot to a regional, then statewide, service to contractors and local governments with a sunset date in 2018. In 2015, the Legislative Assembly removed the sunset and reduced the surcharge that supports the e-permitting system. Use of the system by cities and counties is voluntary, and DCBS is prohibited from taking any adverse action against an entity that chooses not to use the system.

**Bill Summary:** HB 2164 would have required cities, counties, and other government entities that administer and enforce building inspection programs to provide electronic access to building code information and services by January 1, 2020. The measure would have allowed municipalities to use the Building Codes Division e-permitting system or develop their own equivalent system.

[House Bill 2168](#)

Not Enacted

### Equipment Used By Building Inspectors

**At the request of:** House Interim Committee on Business and Labor

**Committees:** House Business and Labor

**Background and Current Law:** Building inspectors do not always bring equipment to the work site to assist them in the performance of inspections. For example, an inspector who needs to access the roof may rely on the contractor’s ladders or lifts. If an accident occurs while the building inspector is using the contractor’s ladder, it is unclear who is liable.

**Bill Summary:** House Bill 2168 would have clarified that the building inspector assumes the risk of injury when using equipment belonging to the contractor, subcontractor, material supplier, or property owner.

[House Bill 2183](#)

Not Enacted

### Plan Review and Inspection of Health Care Facilities

**At the request of:** House Interim Committee on Business and Labor

**Committees:** House Business and Labor

**Background and Current Law:** The plan review and inspection of health care facilities is performed by the Office of the State Fire Marshal, a responsibility typically held by the Department of Consumer and Business Services’ Building Codes Division. In 2015, a work group was formed to improve this process with four agencies involved: Oregon Health Authority, Oregon Department of Human Services, Department of Consumer and Business Services, and the Office of the State Fire Marshal. The Oregon Health Authority contracted with a business management consulting firm to provide an independent analysis and to make recommendations. The resulting recommendations are currently being implemented by the Oregon Health Authority, Oregon Department of Human Services, and the Office of the State Fire Marshall.

**Bill Summary:** House Bill 2183 would have transferred the duty of reviewing plans and inspecting health care facilities from the State Fire Marshal to the Department of Consumer and Business Services.

## Ratio of State Employees to Supervisory Employees

**At the request of:** Governor Brown for Oregon Department of Administrative Services

**Committees:** House Rules, Senate General Government and Accountability

**Background and Current Law:** Since 2011, the Legislative Assembly has adopted four measures to address concerns that Oregon state agencies have experienced a decrease in the number of employees supervised by each manager, leading to operational inefficiencies and increased personnel costs. House Bill 2020 (2011) required the Department of Administrative Services (DAS) to report to the Joint Committee on Ways and Means on the ratio of supervisory employees to nonsupervisory employees, and to develop a plan for agencies with more than 100 employees to attain a ratio of at least 11 to 1. In 2012, legislation excluded a number of public entities from the 11 to 1 ratio requirement, and provided direction to state agencies not yet attaining the prescribed ratio, including to lay off or reclassify supervisory employees in some circumstances. It also prohibited state agencies from filling supervisory positions until they increased the ratio of nonsupervisory employees by at least one, although DAS could grant exceptions. House Bill 3165 (2013) replaced DAS' general authority to grant exceptions with specific language identifying circumstances under which agencies could qualify. The fourth measure passed in 2015, delaying implementation of the 11 to 1 ratio until June 30, 2017. During the two-year delay, agencies were prohibited from reducing the ratio of nonsupervisory to supervisory employees unless DAS granted an exception; DAS was required to monitor and report on ratios quarterly, and if an agency increased its ratio of nonsupervisory to supervisory employees, the increase would count after the end of the delay. DAS also convened a work group to study and report on appropriate staffing ratios to the 2017 legislature.

**Bill Summary:** House Bill 2332 requires state agencies with more than 100 employees to develop proposed, maximum supervisory ratios and report them to the Joint Committee on Ways and Means as part of the agency's legislatively adopted budget. Agencies must start with the 11 to 1 ratio and are allowed to make adjustments based on some or all of the following factors: safety of the public or state agency employees; geographic location of agency employees; complexity of agency duties; industry best practices and standards; size and hours of operation; unique personnel needs, including the agency's use of volunteers or seasonal or temporary employees, or the exercise of supervisory authority by agency employees over personnel who are not agency employees; and the financial scope and responsibility of the agency. The measure requires the committee to review the maximum supervisory ratios reported by each agency and include ratio information in a budget report or note. Agencies whose actual supervisory ratios are greater than their proposed maximum supervisory ratios are prohibited from filling supervisory positions unless DAS determines that doing so is reasonably necessary. DAS is also required to notify all labor organizations representing agency employees, at least five business days before granting an exception.

**Oregon Laws 2017:** Chapter 285

## Expansion of Lobbyist Disclosure Requirements

**Chief Sponsors:** Rep. Rayfield; Sens. Manning, Jr, Riley, Thatcher

**Committees:** House Rules, Senate Rules

**Background and Current Law:** People are currently required to register as lobbyists with the Oregon Government Ethics Commission (OGEC) within three business days after: exceeding an aggregate amount of 24 hours during any calendar quarter lobbying; spending an aggregate amount in excess of \$100 lobbying during any calendar quarter; or agreeing to provide personal services for money (or any other consideration) for the purpose of lobbying. Lobbyists are required to file quarterly reports that include amounts expended for food, refreshments, and entertainment for the purpose of lobbying, and the name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure is made for the purposes of lobbying. If the expenditure exceeds \$50 by one or more persons on any one occasion, then the date, name of payee, purpose, and amount of that expenditure must also be reported. This information, and information reported on total expenditures made by clients to lobbyists and lobbying organizations, is currently available in a public, searchable database.

**Bill Summary:** House Bill 2577-A would have expanded the reporting requirements for lobbyists to include specific information about lobbying activities on specific legislative measures and legislative topics, including each measure lobbied, whether in favor or against, and whether the lobbyist sought amendments. The measure would also have expanded the functionality of the OGEC database to account for this new information, and to improve the public's ability to search for and view information about payments made to lobbyists. Finally, the measure would have established an Advisory Committee on Lobbying Transparency to advise and assist in the development, design, testing, and implementation of the expanded database.

[House Bill 2590](#)

Not Enacted

**Recovery Assistance for Umpqua Community College**

**Chief Sponsors:** Reps. Hayden, Heard; Sens. Kruse, Prozanski

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** On October 1, 2015, a student at Umpqua Community College killed nine people in a classroom and then himself. Funds were appropriated to the college to pay for site cleanup and increased security. Shortly after the attack, the Community Health and Recovery Team (CHART) formed. CHART is a coalition of agencies and organizations involved in the recovery effort. CHART’s governing structure and organizational support is provided by The Leadership Council (TLC), which includes local leaders and decision-makers who represent the community. TLC has developed a recovery framework to help the community heal and has worked with the U.S. Department of Justice’s Office for Victims of Crime to apply for grants from the Antiterrorism Emergency Assistance Program (AEAP) to meet the community’s current needs. TLC has also identified service gaps and long-term community needs not included as part of the AEAP grant criteria.

**Bill Summary:** House Bill 2590 would have appropriated \$3 million from the General Fund to meet the recovery needs of the community impacted by the shooting at Umpqua Community College.

[House Bill 2833](#)

Effective Date: October 6, 2017

**Clarifying Property Tax Exemptions in Enterprise Zones**

**At the request of:** House Committee on Revenue

**Committees:** House Economic Development and Trade, Senate Finance and Revenue

**Background and Current Law:** The last major update of statutes governing enterprise zones occurred in 2003 with House Bill 2299. Since that time, several potential issues have been identified through litigation and operational practices, and Business Oregon worked with the Legislative Revenue Office to address them.

**Bill Summary:** House Bill 2833 makes technical corrections and clarifications in statues governing property tax exemptions in enterprise zones.

**Oregon Laws 2017:** Chapter 83

[House Bill 2874](#)

Effective Date: October 6, 2017

**Exemption from Disclosure of Emails in Possession of Legislative Department**

**At the request of:** House Committee on Rules

**Committees:** House Rules, Senate General Government and Accountability

**Background and Current Law:** A member of the public may sign up through the Oregon legislature’s website to receive a variety of information via email automatically, including materials directly from individual state Senators and Representatives, agendas from legislative committees, notifications about legislative employment opportunities, and updates on specific measures as they move through the legislative process. The email address an individual provides to receive these alerts and notifications is in the possession of the legislative department. Current law only protects email addresses from automatic disclosure as public records that are in the possession of the executive department, local governments, local service districts, and other special government bodies.

**Bill Summary:** House Bill 2874 adds email addresses in the possession of the legislative department to the exemption that already exists for email addresses in the possession of the executive branch, to protect them from automatic disclosure as public records. The exemption applies to email addresses in the possession of the Legislative Assembly, the committees of the Legislative Assembly, and all administrative divisions of the Legislative Assembly and its committees, whether identified as boards, commissions, departments, or by any other designation. The measure allows current legislative officeholders to disclose email addresses that receive the officeholder’s newsletter, if requested by the campaign office of a candidate for office or another current officeholder, but prohibits the requester from making further disclosure.

**Oregon Laws 2017:** Chapter 475

[House Bill 2899](#)

Effective Date: January 1, 2018

**Port Agreements**

**Chief Sponsors:** Rep. Boone

**Committees:** House Economic Development and Trade, Senate Business and Transportation

**Background and Current Law:** Oregon law allows units of local government to enter into all manner of intergovernmental agreements for a variety of purposes, but ports are restricted to intergovernmental agreements that improve or maintain bays, harbors, channels, banks, or shores.

**Bill Summary:** House Bill 2899 allows ports to enter into the same intergovernmental agreements as other units of local government.

**Oregon Laws 2017:** Chapter 84

[House Bill 2900](#)

Effective Date: January 1, 2018

**Port Advertising**

**Chief Sponsors:** Reps. Boone, DB Smith; Sen. Kruse

**Committees:** House Economic Development and Trade, Senate Business and Transportation

**Background and Current Law:** Under Oregon law, a port can advertise and promote its own facilities and commerce, but it is not specifically allowed to promote its activities or the activities of others using the port.

**Bill Summary:** House Bill 2900 allows ports to advertise their own activities and the activities of those using port facilities.

**Oregon Laws 2017:** Chapter 85

[House Bill 2901](#)

Effective Date: January 1, 2018

**Port Appraisal**

**Chief Sponsors:** Rep. Boone; Sen. Kruse

**Committees:** House Economic Development and Trade, Senate Business and Transportation

**Background and Current Law:** Currently, a port is required to get a second appraisal on all purchases of real property greater than \$500,000. The \$500,000 limit has been the statutory requirement since 1993. It is difficult for some Oregon ports in rural areas to find multiple qualified appraisers of port and marine property to acquire a second appraisal.

**Bill Summary:** House Bill 2901 raises the threshold for ports to obtain second appraisals on real property to \$2 million.

**Oregon Laws 2017:** Chapter 86

[House Bill 2902](#)

Effective Date: January 1, 2018

**Public Shipyard Ownership**

**At the request of:** Rep. Gomberg for Oregon Public Ports Association

**Committees:** House Economic Development and Trade, Senate Business and Transportation

**Background and Current Law:** Shipyards are facilities that construct, repair, and maintain watercraft. Under current Oregon law, ports are not specifically allowed to acquire, build, or operate shipyards.

**Bill Summary:** House Bill 2902 allows ports to acquire, construct, maintain, and operate shipyards.

**Oregon Laws 2017:** Chapter 165

[House Bill 2907](#)

Not Enacted

**Third-Party Building Inspectors**

**Chief Sponsors:** Rep. Rayfield; Sen. Gelsler

**Committees:** House Business and Labor

**Background and Current Law:** A pilot program, created in 2009, was designed to address the shortage in some regions of the state of building inspectors in various specialty codes. The program cross-trains building inspectors so an inspector can perform an inspection in more than one specialty code, referred to as specialized building inspectors. Legislation in 2013 provided permanency for the program and granted authority to the Department of Consumer and Business Services to certify building inspectors in multiple specialty codes or parts of a specialty code. This language had the effect of requiring the specialized building code inspector to be an employee of the municipality for which it was performing inspections.

**Bill Summary:** House Bill 2907 would have allowed specialized building inspectors to be third-party contractors with a municipality, rather than employees of the municipality.

[House Bill 2946](#)

Effective Date: January 1, 2018

**Expanding Information Included on Oregon Transparency Website**

**Chief Sponsors:** Reps. Whisnant, Holvey; Sens. Thatcher, Roblan

**Committees:** House Rules, Senate Rules

**Background and Current Law:** The Oregon Transparency website was established in 2009 to make information about state agency revenues, expenditures, contracting, human resources, and other data publicly available at one internet location. Since its inception, the legislature has expanded materials and links that are posted on the website to include information about education service districts, Oregon Administrative Rules and agency rulemaking processes, local governments, special districts, and quasi-public agencies. Individuals can find information about public meetings, state budget processes, Oregon’s revenue system, legislatively adopted budgets versus governors’ proposed budgets, state agency and school district expenditure reports, and more.

**Bill Summary:** House Bill 2946 allows semi-independent agencies and other entities to request that links to their websites be posted on the Oregon Transparency website, for the purpose of sharing information about revenues, expenditures, and budgets.

**Oregon Laws 2017:** Chapter 667

[House Bill 3060](#)

Effective Date: October 6, 2017

**Preventing Discrimination by State Contractors**

**Chief Sponsors:** Reps. Lininger, Nosse, Sanchez, Alonso Leon, Power

**Committees:** House Business and Labor, Senate Workforce

**Background and Current Law:** Employment laws protect workers from discrimination and harassment regardless of their race, gender, ethnicity, religion, sexual orientation, gender identify, or disability. Civil service protections in Oregon do not extend to employees of those who hold contracts with the State of Oregon.

**Bill Summary:** House Bill 3060 prohibits state public contracting agencies from entering a contract worth \$150,000 or more unless the contractor certifies in writing that it has a policy and practice to prevent sexual harassment, sexual assault, and discrimination against members of protected classes. An exception is made for the following types of contracts: sole-source procurements, emergency procurements, and special procurements.

**Oregon Laws 2017:** Chapter 212

## Museum-Related Activities within Arts Program

**Chief Sponsors:** Reps. Buehler, Whisnant; Sen. Knopp

**Committees:** House Economic Development and Trade, Senate Business and Transportation

**Background and Current Law:** The Oregon Arts Commission was established in 1967 to foster the arts in Oregon and ensure their excellence. Nine Commissioners, appointed by the Governor, determine policies, establish long-range plans, and review applications to grant programs. In 1993, the Oregon Arts Commission became a division of the Oregon Business Development Department. In 2003, the legislature focused the work of the Commission toward expertise in grant-making, arts and cultural information, and community cultural development. The Commission operates two grant programs: Operating Support Grants and Arts Learning Grants.

**Bill Summary:** House Bill 3139 adds museum-related activities to the definition of “arts” and requires the Oregon Arts Commission, when determining grant eligibility under the Arts Program, to consider regional differences in arts and cultural development as well as to promote investment in communities where engagement in arts and cultural development is limited.

**Oregon Laws 2017:** Chapter 274

---

[House Bill 3203](#)

Effective Date: October 6, 2017

**Cost Analysis for Public Improvements**

**Chief Sponsors:** Rep. Clem

**Committees:** House Business and Labor, House Rules, Joint Ways and Means

**Background and Current Law:** Current law requires public contracting agencies to provide a list to the Bureau of Labor and Industries (BOLI) of all public improvement projects that the agency plans to fund in the upcoming budget period. For projects that the agency intends to perform in-house, and that exceed \$125,000 in estimated costs, the agency must show that its decision conforms with Oregon policy that every effort shall be made to construct public improvements at the least cost to the contracting agency. For projects performed in-house, the contracting agency must prepare plans and the estimated cost of each classification of work. Contracting agencies and private contractors that would like to bid on public improvement projects are not able to determine least-expensive alternatives without detailed cost analyses.

**Bill Summary:** House Bill 3203 specifies what contracting agencies must consider when conducting a cost analysis before deciding to self-perform a public improvement. The measure also clarifies that resurfacing highways, roads, or streets at a depth of at least two inches, or at an estimated cost exceeding \$175,000, is considered a public improvement project and increases the \$175,000 threshold every two years through 2025. The measure further provides for a complaint process, allowing contractors or trade associations to allege violations of the least-cost policy that BOLI may investigate. If substantial evidence of a violation is found and there has been at least one violation within the previous five years, BOLI can require the contracting agency to negotiate and enter into an agreement with the complainant to remedy the violation and prevent future violations.

**Oregon Laws 2017:** Chapter 715

[House Bill 3213](#)

Effective Date: January 1, 2018

**Broadband and Economic Development**

**Chief Sponsors:** Reps. Nathanson, Holvey

**Committees:** House Economic Development and Trade, Senate General Government and Accountability

**Background and Current Law:** In 2009, House Bill 3158 created the Oregon Broadband Advisory Council. The mission of the Council is to encourage coordination and collaboration between organizations and economic sectors to leverage the development and utilization of broadband. The Council is required to report by November 1 of each even-numbered year to the Joint Legislative Committee on Information Management on the affordability and accessibility of broadband in the state as well as broadband's use in telehealth, energy management, education, and government.

**Bill Summary:** HB 3213 requires a new subject to be included in the biennial report: the role of broadband technology in local, state, and regional economies and economic development.

**Oregon Laws 2017:** Chapter 124

[House Bill 3268](#)

Effective Date: January 1, 2018

**Oregon Telephone Assistance Program Advisory Committee**

**Chief Sponsors:** Reps. Keny-Guyer, Piluso; Sen. Boquist

**Committees:** House Health Care, Senate Business and Transportation

**Background and Current Law:** The federal Lifeline Program provides free telephones to low-income individuals; all Medicaid members are eligible for one telephone or Internet connection per household. There are approximately 1 million individuals enrolled in the Oregon Health Plan. At least 41 states differ from the federal government regarding regulation of the program; Oregon is the only state with its own regulatory agency, the Public Utility Commission, which imposes additional regulations on the program.

**Bill Summary:** House Bill 3268 creates the Oregon Telephone Assistance Program Advisory Committee and directs the Public Utility Commission to use surcharge moneys from the Telephone Assistance Program on marketing and outreach to increase participation in the assistance plan developed by the Commission.

**Oregon Laws 2017:** Chapter 434

[House Bill 3350](#)

Effective Date: August 8, 2017

**Office of Outdoor Recreation**

**Chief Sponsors:** Reps. Johnson, Helm, Buehler

**Committees:** House Economic Development and Trade, Joint Ways and Means

**Background and Current Law:** A 2016 survey completed by Task Force on Funding for Fish, Wildlife, and Related Outdoor Recreation and Education, found that over 60% of Oregonians report engaging in at least one outdoor activity in the past year. These activities include visiting a state or national park, hiking, camping, wildlife viewing, biking, and hunting. A recent industry study estimates the economic impact of Oregon's recreation industry at \$12 billion.

**Bill Summary:** House Bill 3350 creates an Office of Outdoor Recreation in the Oregon State Parks and Recreation Department, and an Associate Director position to oversee the Office. The measure directs the Associate Director to consult with outdoor recreation representatives to assist the Office in carrying out its duties. House Bill 3350 also establishes the Outdoor Recreation fund to be used to fund the operations of the Office.

**Oregon Laws 2017:** Chapter 678

[House Bill 3361](#)

Effective Date: January 1, 2018

**Web Portal for State Agencies to Release Data**

**Chief Sponsors:** Rep. Nathanson; Sens. Thatcher, Roblan

**Committees:** House Rules, Joint Ways and Means

**Background and Current Law:** The Oregon Transparency website is currently maintained by the State Chief Information Officer (SCIO). The website provides materials and links to a variety of records and information about state entities, including reports, financial information, descriptions of agency functions and programs, notices of public meetings, links to administrative rules, information about contracts and economic development programs, and links and instructions about how to request public records.

**Bill Summary:** House Bill 3361 establishes the position of Chief Data Officer (CDO), appointed by the SCIO, to enhance the utility of the Oregon Transparency website by maintaining a web portal for state agencies to release all publishable data. The measure requires the CDO to establish an open data standard, publish a technical standards manual, and create an inventory of publicly available state information. The measure also creates an advisory group to assist the CDO.

**Oregon Laws 2017:** Chapter 720

[House Bill 3374-A](#)

Not Enacted

**Service Consolidation Funding**

**Chief Sponsors:** Reps. Brock-Smith, Lininger; Sen. Kruse

**Committees:** House Economic Development and Trade, House Revenue

**Background and Current Law:** Historically, rural communities and schools have relied on receipts from timber harvests to supplement local funding for education services and roads. During the 1980s, forest management practices changed substantially, diminishing the revenue-generating activity permitted. The resulting steep decline in timber sales decreased the revenues that rural counties and school districts received from forest management activities. The federal Secure Rural Schools (SRS) program helped rural counties and school districts affected by the decline in revenue from timber harvests on federal lands. The SRS program expired in September 2015.

**Bill Summary:** House Bill 3374 would have created the Oregon County Assistance Fund and directed the Oregon Department of Revenue to use moneys from the Fund to provide grants to counties seeking to consolidate or share services if they received at least 30% of their total county general fund budget from SRS funding in 2008.

[House Bill 3377](#)

Effective Date: June 14, 2017

**Business Development Department Oversight**

**Chief Sponsors:** Rep. Smith Warner

**Committees:** House Economic Development and Trade, Senate Business and Transportation

**Background and Current Law:** The Secretary of State’s Audit Division released the Oregon Business Development Department, Report 2016-34 in December 2016. The Department is the state’s primary economic development agency with roughly 140 employees and a 2015-2017 budget of roughly \$700 million. Among other findings, the Audit Division recommends that the Department improve the evaluation and transparency of the individual economic development incentives and business loan programs it oversees.

**Bill Summary:** House Bill 3377 requires The Oregon Business Development Department to report on their response to the recommendations of the Audit Report to the Legislative Assembly by January 2, 2018.

**Oregon Laws 2017:** Chapter 298

[House Bill 3434](#)

Effective Date: October 6, 2017

**Extends Public Safety Fiscal Emergency Program**

**Chief Sponsors:** Reps. Esquivel, Lininger; Sen. Roblan

**Committees:** House Rules, Senate Rules

**Background and Current Law:** In 2013, the legislature enacted House Bill 3453 to establish a mechanism for state intervention in the event a county experienced compromised public safety services resulting from financial distress due to the current economic climate. House Bill 3453 permits the Governor to declare a “Public Safety Fiscal Emergency” that allows for assistance to be arranged from other local governments on behalf of the county in financial distress. To declare such an emergency, the Governor, in consultation with legislative leadership (both minority and majority political parties) and any affected legislators, may assess the subject county’s fiscal conditions to determine whether its ability to provide a minimally adequate level of services is compromised. While such declaration is in effect, the Governor may enter into intergovernmental agreements (IGAs) with local governments to provide public safety services for the distressed county. Such IGAs must specify the functions or activities to be performed and how they are to be performed, and must address the apportionment of fees and revenues. The distressed county benefiting from an IGA is responsible for half the cost, which can be funded through income tax or alternative assessments, only to the extent necessary to satisfy the obligation. The declaration terminates after 18 months unless it is ended earlier or later by the Governor or by action of the Legislative Assembly. To date, no Public Safety Fiscal Emergency has been declared.

**Bill Summary:** House Bill 3434 extends the sunset on the Governor’s ability to declare a Public Safety Fiscal Emergency through January 2, 2024.

**Oregon Laws 2017:** Chapter 681

## Policies for Public Bodies and Federal Immigration Enforcement

**Chief Sponsors:** Reps. Alonso Leon, Hernandez, Kotek, Lininger, Williamson; Sens. Taylor, Burdick, Dembrow, Frederick, Gelsler, Manning, Jr, Roblan

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Oregon has been a sanctuary state for several decades, meaning the use of state and local resources to enforce federal immigration law is prohibited under state law unless a person has committed a crime other than merely being in the country illegally. Increased federal commitment to enforcing federal immigration laws has recently resulted in fear and uncertainty amongst immigrant populations and some instability at public institutions that serve all individuals regardless of their immigration status. School administrators, county judges, other direct service providers, and other public bodies have increasingly sought clarity and guidance from the state concerning federal immigration enforcement attempts to commandeer state resources and collect sensitive information, and about how to respond appropriately to the presence of Immigration and Customs Enforcement (ICE) agents and their requests. Executive Order 17-04 reaffirmed Oregon's status as a sanctuary state by expanding the prohibition in state law that bars the use of state resources for federal enforcement purposes to include state agencies.

**Bill Summary:** House Bill 3464 provides guidance for state agencies about how to implement policies that respect confidentiality while complying with state and federal law. It describes the duties of public bodies and the rights of Oregon residents concerning the disclosure of personal information when interacting with federal immigration authorities on matters related to immigration or citizenship status. In addition, the measure assures residents that if they provide a school, court, or other public entity with personal information, such as an address or workplace, the public body is prohibited from disclosing that information for purposes of federal immigration enforcement except when required by law. Further, the measure requires the Attorney General to develop model policies to address federal immigration enforcement at public schools, public health agencies, courthouses, public shelters, and other public facilities operated by public bodies, and encourages all public bodies or entities that provide health, education, or access to justice services to adopt said policies for consistency concerning the collection of sensitive information.

**Oregon Laws 2017:** Chapter 724

[House Concurrent Resolution 13](#)

Filed on July 18, 2017

**Designation of Official State Tartan**

**Chief Sponsors:** Rep. Doherty

**Committees:** House Rules, Senate Rules

**Background and Current Law:** An important symbol of Scottish identity is the tartan—commonly known as a plaid pattern outside Scotland – particularly when worn in the form of a kilt, as it may correlate directly with a particular clan or district, signifying clan or district allegiance and identification. Depending on the identification, a particular pattern may be governed by clan chiefs, official districts, legislative authority, and/or the Scottish Tartans Authority. The establishment of a state tartan in Oregon recognizes the contribution of Scots and Oregonians of Scottish descent.

**Bill Summary:** House Concurrent Resolution 13 creates a tartan for the State of Oregon whose colors symbolize the state’s distinctive features: blue representing the blue of Oregon’s flag, the ocean, the fishing industry, and Oregon’s deep lakes and major inland rivers; gold representing the center color of Oregon’s flag and the many and varied agricultural regions of the state; green representing the state’s many and varied forests; white representing Oregon’s beautiful snowcapped mountains; taupe representing her high desert and grasslands; crimson representing her fiery volcanic past and unique cinder cones; azure representing Oregon’s streams and creeks, wetland marshes, shallow lakes, and wide sweeping skies; and black to represent her obsidian buttes.

[House Concurrent Resolution 16](#)

Not Adopted

**Designation of Official State Dog**

**At the request of:** Rep. Gomberg for Oregon Humane Society

**Committees:** House Rules

**Background and Current Law:** Every year, Oregon animal shelters accept tens of thousands of homeless dogs. Dedicated staff, volunteers, animal behaviorists, and veterinarians work hard to ready these dogs for a second chance at finding a permanent home. Dog lovers across the state open their hearts to over 18,000 rescued and sheltered dogs every year, representing every shape, size, and breed. Twelve states across the nation have designated a particular breed as their official state dog: the Alaskan Malamute in Alaska, the Golden Retriever in Delaware, the Catahoula Leopard in Louisiana, the Chesapeake Bay Retriever in Maryland, the Boston Terrier in Massachusetts, the Chinook in New Hampshire, the Pilot Hound in North Carolina, the Great Dane in Pennsylvania, the Boykin Spaniel in South Carolina, the Blue Lacy in Texas, the American Foxhound in Virginia, and the American Water Spaniel in Wisconsin.

**Bill Summary:** House Concurrent Resolution 16 would have designated rescued shelter dogs as Oregon’s official state dog.

[House Concurrent Resolution 19](#)

Filed on July 18, 2017

**Designation of Official State Pie**

**Chief Sponsors:** Rep. Malstrom

**Committees:** House Rules, Senate Rules

**Background and Current Law:** The Marionberry, or Marion blackberry, is a hybrid—a cross between Chehalem and Olallie blackberries. It is a vigorous grower that produces up to six tons of berries per acre. Oregon has been home to the Marionberry since 1956, when George F. Waldo introduced it as a product of Oregon State University’s blackberry breeding program in cooperation with the U.S. Department of Agriculture. Oregon is the birthplace of the Marionberry, and its name is inspired by Marion county. With 300 growers and 20 packers, Oregon continues to be the primary grower of Marion blackberries globally, producing 21 million pounds every year.

Five state legislatures have adopted a state pie: Key Lime in Florida, Pumpkin in Illinois, Pecan in Texas, Sugar Cream in Indiana, and Apple in Vermont.

**Bill Summary:** House Concurrent Resolution 19 designates Marionberry pie as Oregon’s official state pie.

[House Concurrent Resolution 24-A](#)

Not Adopted

**Video Testimony to Legislative Committees**

**Chief Sponsors:** Reps. Hack, Buehler, Holvey; Sens. Hansell, Roblan

**Committees:** House Rules, Senate Rules, Joint Ways and Means

**Background and Current Law:** Oregon’s legislative committee process provides legislators with opportunities to hear from many who support or oppose proposed legislation, and allows the public to actively participate in the lawmaking process. This is most often achieved through the submission of written testimony regarding a measure or issue (which is distributed to legislators and posted publicly on the Oregon Legislative Information System), and attending public hearings at the Oregon State Capitol in-person, to sign up and speak directly to a committee. When travel to Salem is not practicable, a committee may receive testimony by phone or video conference, on a case by case basis, limited to specific circumstances such as required appearances for executive appointment hearings, or state budget or redistricting issues.

**Bill Summary:** House Concurrent Resolution 24-A would have permitted the President of the Senate and Speaker of the House of Representatives to authorize, by rule, all committees of the legislature to accept remote testimony via video conferencing.

## Proposed Constitutional Amendment to Impeach Elected Executive Branch Officials

**Chief Sponsors:** Reps. Hack, McLane, Williamson

**Committees:** House Rules, Senate Rules

**Background and Current Law:** Impeachment is a process that provides legislatures with oversight of official government conduct and the means to remove executive or judicial public officers. The impeachment process has two stages, usually overseen separately. The first stage is the development of a formal accusation or statement of charges, typically by the house chamber of a legislature. The second stage of the process involves hearings modeled after trial proceedings, typically in the senate chamber of a legislature.

Impeachment is relatively rare, and usually reserved for extreme cases. Impeachment and removal of governors has happened occasionally throughout the history of the United States, usually for corruption. A total of at least 11 state governors have faced impeachment proceedings, but in many cases individuals resign before such proceedings begin or conclude. The Oregon Constitution does not currently provide for impeachment, but does provide for recall in Article II, Section 18.

**Bill Summary:** House Joint Resolution 10 would have proposed an amendment to the Oregon Constitution that would have provided a process for impeachment. It would have authorized the Oregon House of Representatives to bring articles of impeachment against statewide elected officials in the executive department, and correspondingly would have authorized the Oregon Senate to try such persons, with a two-thirds majority vote required to conclude the process with a conviction.